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c 307 Public Hospitals Act

Ontario

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CHAPTER 307

The Public Hospitals Act**1. In this Act,**Interpre-
tation.

- (a) "board" means a board of directors, governors, trustees, commission or other governing body or authority of a hospital;
- (b) "dependant" means a patient for the charges for whose treatment some other person is liable in law;
- (c) "Department" means Department of Health;
- (d) "hospital" means any institution, building or other premises or place, howsoever created, established or incorporated for the treatment of persons suffering from sickness, disease or injury, or for the treatment of incurable persons;
- (e) "incurable person" means any person afflicted with or suffering from any incurable disease, sickness, injury or other condition of a permanent nature requiring treatment;
- (f) "inspector" means an officer of the Department designated under this Act as an inspector;
- (g) "Minister" means the member of the Executive Council charged for the time being with the administration of this Act;
- (h) "municipality" means a city, separated town or county, except that in a territorial district it means a city, town, village or township;
- (i) "patient" means a person received and lodged in a hospital for the purpose of treatment, except that in section 33, "patient" includes a person admitted to a hospital for the purpose of treatment and a person received and lodged in a hospital for the purpose of treatment; R.S.O. 1937, c. 390, s. 1, cls. (a-i).
- (j) "provincial aid" means aid granted to a hospital out of moneys appropriated for the purpose by the Legislature; 1950, c. 62, s. 1.
- (k) "regulations" means regulations made under this Act; R.S.O. 1937, c. 390, s. 1, cl. (k).

(l) "resident" means a person who has actually resided in a municipality for the period of three months within the six months next prior to admission to a hospital; R.S.O. 1937, c. 390, s. 1, cl. (l); 1938, c. 37, s. 20 (1).

(m) "superintendent" means the person who has for the time being the direct and actual superintendence and charge of a hospital;

Rev. Stat.,
c. 388.

(n) "territorial district" means any of the territorial districts set forth in *The Territorial Division Act*;

(o) "treatment" means the stay, maintenance, observation, care, nursing or treatment of a patient;

(p) "unorganized territory" means that part of a territorial district which is without municipal organization. R.S.O. 1937, c. 390, s. 1, cls. (m-p).

Sanatoria
and private
hospitals
not affected.
Rev. Stat.,
cc. 346, 289.

2. Nothing in this Act shall in any way relate to or affect a sanatorium under *The Sanatoria for Consumptives Act* or a private hospital under *The Private Hospitals Act*. R.S.O. 1937, c. 390, s. 2.

Hospitals
aided in
1930
approved.

3.—(1) The several institutions which under *The Hospitals and Charitable Institutions Act*, being chapter 359 of the Revised Statutes of Ontario, 1927, as public hospitals or homes for incurables received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act.

New hospi-
tals to be
approved.

(2) No institution, building or other premises or place shall hereafter be created, established or incorporated as a hospital until the same has been approved by the Lieutenant-Governor in Council.

Hospitals
not to
operate
without
approval.

(3) No institution, building or other premises or place shall be operated or used as a hospital unless it is approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 390, s. 3 (1-3).

Sale, etc.,
to be
approved.

(4) No building or other premises or place or any part thereof acquired or used for the purposes of a hospital shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Lieutenant-Governor in Council. 1949, c. 80, s. 1.

Suspension
or revoca-
tion of
approval.

(5) Any approval given or deemed to have been given under this Act in respect to any hospital may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. R.S.O. 1937, c. 390, s. 3 (4).

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to hospitals as may be deemed necessary for, ^{Regulations for hospitals.}

- (a) their creation, establishment, construction, alteration, equipment, maintenance and repair;
- (b) their classification, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) providing that certain persons shall be *ex officio* members of the board in addition to the members of the board appointed or elected in accordance with the authority whereby the hospital is established;
- (e) their superintendents, staffs, officers, servants and employees, and the powers and duties thereof;
- (f) the admission, treatment, conduct, discipline and discharge of patients;
- (g) the classification and lengths of stay of and rates and charges for patients;
- (h) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;
- (i) prescribing the classes of grants by way of provincial aid and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (j) all other matters affecting hospitals. R.S.O. 1937, c. 390, s. 4; 1942, c. 34, s. 28; 1948, c. 40, s. 5, par. 3; 1950, c. 62, s. 2.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations, and the Department may, from time to time, declare all or any of the regulations to be in force with respect to all hospitals or any specified hospital or hospitals and for such time or times as the Department may deem expedient. ^{Enforce-ment of Act.} R.S.O. 1937, c. 390, s. 5.

6. The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations. ^{Inspectors.} R.S.O. 1937, c. 390, s. 6.

Hospital powers and their exercise.

7. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail. R.S.O. 1937, c. 390, s. 7; 1939, c. 38, s. 1.

Expropriation powers.

8. The board of a hospital or a corporation incorporated for the purpose of establishing a hospital within the meaning of this Act may pass by-laws for expropriating any land which may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers, so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under that Act are to be exercised and performed by the clerk of the municipality. R.S.O. 1937, c. 390, s. 8; 1945, c. 18, s. 2.

Rev. Stat., c. 243.

By-laws, etc., to be approved.

9. No by-law, rule or regulation of any hospital or of any corporation referred to in section 8 shall have force or effect until the same is approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 390, s. 9; 1945, c. 18, s. 3.

Medical students' clinics.

10. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. R.S.O. 1937, c. 390, s. 10; 1948, c. 40, s. 5, par. 4; 1950, c. 62, s. 3.

Hospitals to admit sick persons.

11. Except as may be otherwise provided in this Act, no hospital other than a hospital for incurables, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for incurables receiving such aid shall refuse to admit as a patient any incurable person so certified in accordance with the regulations. R.S.O. 1937, c. 390, s. 11.

Admission of indigents under agreement.

12. Except as may otherwise be provided in this Act or in the agreement, no hospital with which a municipality has entered into an agreement under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent

person a resident in such municipality, who from sickness, disease or injury or otherwise is in need of treatment. R.S.O. 1937, c. 390, s. 12.

13. Nothing in this Act shall require that any hospital, other than an isolation hospital, admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding. R.S.O. 1937, c. 390, s. 13. Refusal of communicable disease cases.
Rev. Stat., c. 306.

14. Nothing in this Act shall, unless by refusal of admission life would thereby be endangered, require that any hospital admit as a patient any person who is not a resident or a dependant of a resident of Ontario. R.S.O. 1937, c. 390, s. 14. Refusal of non-residents.

15. No hospital for incurables shall admit as a patient an indigent person or the dependant of an indigent person until such person or dependant is certified in accordance with the regulations to be an incurable person. R.S.O. 1937, c. 390, s. 15; 1940, c. 23, s. 1. Admission of incurable persons.

16. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates: Municipal liability for indigents

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$4 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$3.50 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$3 per day;
- (d) in the case of all other hospitals, at the rate of \$2.50 per day. 1950, c. 62, s. 4, *part, amended*.

17. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in the municipality, and in such case the liability of the municipality to the hospital shall be determined according to the agreement in lieu of under this Act. R.S.O. 1937, c. 390, s. 17; 1948, c. 40, s. 5, par. 6; 1950, c. 62, s. 5. Municipal agreements as to indigents.

Liability
for non-
residents
may be
assumed.

18. A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that the patient was not a resident in the municipality at the time of admission to the hospital. R.S.O. 1937, c. 390, s. 18.

Burial
expenses.

19. In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, not exceeding \$30, but the municipality may increase the maximum amount payable to \$40. 1948, c. 71, s. 1.

Notice
to munic-
ipality of
admission of
indigent to
hospital.

20.—(1) Upon admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

Indigency
after
admission.

(2) Where any patient becomes an indigent after admission to a hospital, the superintendent shall notify the clerk of the municipality in accordance with subsection 1 when the indigency becomes known to the superintendent. R.S.O. 1937, c. 390, s. 20.

Notice to
clerk of
local muni-
cipality.

(3) Where the superintendent notifies the clerk of a county in accordance with subsection 1 or subsection 2, he shall, at the same time and in the same manner, notify the clerk of the local municipality in which such indigent person is or is represented to be a resident. 1941, c. 55, s. 26.

Notice
disputing
liability.

21. Unless the clerk of a municipality within 20 days after the date of mailing any such notice to him, by registered letter, notifies the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act. R.S.O. 1937, c. 390, s. 21; 1948, c. 40, s. 5, par. 7; 1950, c. 62, s. 6.

Information
to be
furnished.

22. The clerk of a municipality, when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient. R.S.O. 1937, c. 390, s. 22.

23. For the purpose of this Act, no patient shall be deemed to be a resident in a municipality, Cases where residence not presumed,

- (a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or persons seeking medical aid;
- (b) if the municipality is in a territorial district, and the patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted as a patient in a hospital, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or health seekers in the districts;
- (c) if the patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Nurses Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or pupils; Rev. Stat., c. 256.
- (d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, jail, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient; or institutional inmates;
- (e) if the patient has been living in the municipality by reason of being engaged on active service as a member of the naval, military or air force of Canada, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for service; or members of naval, military or air force;

period
between
application
and
admission;

(f) by reason of having gone to the municipality during the period between the filing of application for admission and admission to a hospital, but in such case the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was resident at the time of going to the first-named municipality for the purpose of awaiting admission; or

accommoda-
tion after
discharge.

(g) if the patient has been discharged from a hospital and has been provided with accommodation in a municipality by and at the expense of some other municipality, but in such case the patient shall, for the purpose of this Act, be deemed to be a resident in the municipality in which he was resident at the time he was provided with such accommodation in the first-named municipality. R.S.O. 1937, c. 390, s. 23; 1938, c. 37, s. 20 (2); 1940, c. 23, s. 2; 1943, s. 25, s. 1; 1945, c. 18, s. 5.

County's
right to
contribution.

24.—(1) Where the corporation of a county has not made an agreement under section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which the patient was a resident at the time of admission. R.S.O. 1937, c. 390, s. 24 (1); 1948, c. 40, s. 5, par. 8; 1949, c. 80, s. 2; 1950, c. 62, s. 7 (1).

Particulars
as to
residence or
indigence.

(2) The clerk of a county shall have authority to require the clerk of any local municipality within the county to furnish such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the county under section 20.

Particulars
to be sent
to county
clerk.

(3) The clerk of a local municipality, within 10 days of receiving a notice sent to him pursuant to subsection 2, shall send the particulars requested to the clerk of the county by registered letter. 1940, c. 23, s. 3, *part*.

Liability of
local muni-
cipality.

(4) Upon the failure of the clerk of a local municipality to comply with the provisions of subsection 3, such local municipality shall be liable to the county for the charges for treatment of the patient in respect of whom the information is requested, as provided for in this Act. 1940, c. 23, s. 3, *part*; 1948, c. 40, s. 5, par. 9; 1950, c. 62, s. 7 (2).

Residence of
dependant.

25.—(1) A dependant of an indigent person for the purpose of this Act shall be deemed to be a resident in that municipality in which such indigent person is resident, but where such

indigent person is not a resident in any municipality such dependant shall be deemed to be a resident in that municipality in which such dependant is resident. R.S.O. 1937, c. 390, s. 25; 1940, c. 23, s. 4 (1).

(2) A dependant of a person who is engaged on active service as a member of the naval, military or air force of Canada shall be deemed to be a resident in that municipality in which such dependant is resident. 1940, c. 23, s. 4 (2).

Dependant of member of naval, military or air force.

26. When a patient in a hospital, other than a hospital for incurables, for the charges for whose treatment a municipality is liable under this Act is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, 25 cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital. R.S.O. 1937, c. 390, s. 26; 1948, c. 40, s. 5, par. 10; 1950, c. 62, s. 8.

Incurable persons in hospitals.

27. When a baby is born in a hospital, it shall for the purpose of this Act be deemed to be a patient, and, if it is the baby of an indigent person, shall be deemed to be a resident in that municipality in which such indigent person is a resident, and the municipality shall be liable for the treatment of a baby as the dependant of an indigent person at a rate of 60 cents per day for a period not exceeding 14 days after the birth of the baby. R.S.O. 1937, c. 390, s. 27.

Babies born in hospital.

28. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality, the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof, and if the amount of any such account is not paid within a reasonable time after it has been rendered it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1937, c. 390, s. 28; 1948, c. 40, s. 5, par. 11; 1950, c. 62, s. 9.

Statements of account to be rendered.

29. Upon payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representa-

Municipal right of recourse against patient.

tives, or, in the case of a dependant, from any person liable in law in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1937, c. 390, s. 29.

Municipal
right of
recourse
against
proper
municipality.

30. Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in the municipality and it being ascertained that the patient was not a resident therein but at the time of admission to the hospital was a resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which the patient was a resident, and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 29. R.S.O. 1937, c. 390, s. 30.

Grants to
hospitals.

31. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose, pay grants to hospitals by way of provincial aid in such amounts, in such manner and at such times as may be prescribed by the regulations. 1950, c. 62, s. 10.

Penalties.

32. Every person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$500. R.S.O. 1937, c. 390, s. 38.

Limitation
of action.

33. Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such hospital and not afterwards. 1939, c. 38, s. 2.

Interpre-
tation.

34.—(1) In this section, "municipality" means county, city, town, village and township.

Hospital
officer,
appoint-
ment of.

(2) The council of a municipality either alone or in conjunction with the council or councils of another municipality or other municipalities may by by-law appoint a duly qualified medical practitioner to be the hospital officer for such municipality, and the by-law may provide for the term and conditions of his appointment and the payment of remuneration.

Authority
of hospital
officer.

(3) A hospital officer so appointed shall have authority to visit any hospital and to secure from the superintendent

information relating to any indigent patient in the hospital who is a resident of any municipality for which the hospital officer is appointed.

(4) A hospital officer may exercise the powers conferred in subsection 3 in respect of indigent patients from municipalities other than the municipality for which the hospital officer is appointed, but only at the request of the hospital officer for the municipality in which such patient is resident. ^{Powers re indigent patients.}

(5) If any hospital officer is of the opinion that it is unnecessary for any indigent patient to remain in the hospital, the hospital officer shall make a report of his findings and recommendations to the superintendent of the hospital and to the Department. ^{Report re indigent patients.}

(6) No municipality shall enact a by-law under this section until 30 days after notice of intention thereof has been given to the Department. 1940, c. 23, s. 5. ^{Enactment of by-law.}
